

The Leesburg Planning Commission met on Thursday, July 21, 2005 in Conference Room 1, lower level, 25 West Market Street, Leesburg, Virginia. Staff members present were David Fuller, Lisa Capraro, Marantha Edwards and Linda DeFranco

CALL TO ORDER

The meeting was called to order at 7:00pm by Vice Chairman Wright.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Commissioner Barnes
Commissioner Hoovler
Commissioner Kalriess
Commissioner Wright

Commissioner Bangert and Mayor Umstattd were absent

ADOPTION OF AGENDA

There was not a quorum to adopt the agenda, so Vice Chairman Wright said that the Commission would basically follow the submitted agenda.

APPROVAL OF MINUTES

Approval of the minutes was moved further down on the agenda until a quorum would be present.

CHAIRMAN'S STATEMENT

Vice Chairman Wright read the following Resolution of Respect into the minutes:

WHEREAS, Charles G. "Chuck" Jones, a long-time Leesburg resident, suffered an untimely death on June 30, 2005 at the age of 72; and

WHEREAS, Mr. Jones contributed to the County and the Town through advocating for the natural environment by assisting in the creation of policies which incorporated the man made community within the natural assets and features of a property; and

WHEREAS, Mr. Jones contributed the Town's natural environment by serving on the Environmental Advisory Commission; and

WHEREAS, Mr. Jones contributed to the Town apart from his advocating of the environmental design with his service on the Leesburg Planning Commission, the 2005 Town Plan, and the 1997 Town Plan Citizens Advisory Committee; and

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WHEREAS, Mr. Jones's contributed to the Town as an advocate of community redevelopment including serving on the Crescent District Task Force and assisting the Downtown Business Association; and

WHEREAS, Mr. Jones contributed to the Town by serving on organizations that jointly focused on Town and County development such as Main Street Loudoun, Leesburg Crossroads, Town/County Greenway and Trails Task force, and serving as Chair of the County Open Space Plan.

THEREFORE, RESOLVED the Planning Commission of the Town of Leesburg in Virginia extends their sympathy to the Jones family and asks that this Resolution of Honor and Respect be given to the Jones family.

PASSED this 21st day of July 2005.

Commissioner Hoovler moved to present this resolution to the Jones family.

Motion: Hoovler

Second: Kalriess

Carried: 4-0

APPROVAL OF MINUTES

Commissioner Hoovler moved to adopt the minutes of the June 16, 2005 meeting.

Motion: Hoovler

Second: Barnes

Carried: 4-0

Vice Chairman Wright summarized the remainder of the agenda.

PETITIONERS

Mike Ferriti of Leesburg came forward to say that in the event there are any water features on his property in the Crescent District, that he would favor dedicating them to the memory of Chuck Jones.

Dieter Meyer of 214 Andover Court said that he supported the Crescent District Plan designed by Arnett Muldrow. He feels that it has a good redevelopment design and encouraged them to continue the good work they are doing.

ZONING

None

PUBLIC HEARING

None

SUBDIVISION AND LAND DEVELOPMENT

None

COMPREHENSIVE PLANNING

Tripp Muldrow gave an overview of how the Crescent District presentation would go and introduced Scott Mingonet. Mr. Mingonet laid out a plan on the table and defined the boundaries of the area bounded by King Street, Catoctin Circle and Market Street. He encouraged those present to come forward and express their thoughts and ideas as they go through the presentation.

The development community will obtain property as it becomes available, design and develop it and provide road infrastructure. The existing residential neighborhoods will be protected and the outer areas will remain commercial (along Catoctin Circle and Market Street). Mr. Mingonet went on to show a “mock” design plan that exercised various planning concepts. He asked that the staff critique it to test the current Zoning Ordinance, etc.

Mr. Muldrow threw out the concept of modifying lot size, putting in alleys (which currently are not allowed) to test and compromise existing zoning. They will begin with general recommendations to provide a good basis on which to make decisions. Commissioner Hoovler felt that office and residential shared parking could become a problem. Mr. Mingonet said that this would be a basis for building heights, limiting or increasing as space for parking permits. This will have to be carefully planned out and may not work in all cases.

Commissioner Wright asked about interspersing residential with office. Mr. Mingonet pointed out some examples of architecture and street scapes that could be used in this type of development, adding that parking and density will play important roles in the final product. The road infrastructure will play a very important role in the design of the area. The roadways will be designed to incorporate various uses and will be landscaped to create a look that blends with the surrounding area.

Commissioner Barnes questioned the maximum building heights. Mr. Mingonet said they will be limited to the four or five story maximums. At this point he pointed to a rendering that showed how the varying building heights could work in concert with each other for residential, commercial and mixed use areas.

Commissioner Kalriess asked if they were trying to create a totally walkable area. Mr. Muldrow responded that yes, they are trying to encourage an urban, walkable setting. For example, instead of a Safeway, if there was a Whole Foods type of store that

incorporates a café, this would encourage residents to walk. Mr. Kalriess asked how many housing units in total there would be. Mr. Mingonet said they did not know that yet. Commissioner Hoovler asked if there would be retail that would draw people from outside of the area, and if so, how will parking be handled, along with traffic and pedestrian flow? Mr. Muldrow responded that perhaps there could be perimeter parking that would force pedestrian traffic into the area.

Next Mr. Mingonet focused on the area where flooding has been a problem. They plan to incorporate a water feature that will act as a flood control feature. The feature will take waterflow and upstream impacts into consideration. Roadways will be realigned being sensitive to existing landowners and taking existing alignments and/or offsets into consideration. Joe Feltoni explained hydraulics, sedimentation etc. of a water feature with circulation. Water needs to move so it doesn't stagnate. Channelization to create a meandering effect, using biodegradable stabilization which will look natural is another option to use. A levy might also be included at the W&OD crossing. There will need to be a relief culvert because of the historic bridge abutments.

Commissioner Wright mentioned that earlier development was delayed or postponed because of flooding, specifically on Monroe Street. Is there any type of phasing that can be done to alleviate the problems in the area now and then begin planning for the new infill. Mr. Mingonet said the plan will set out a "gateway" along King Street fanning out with varied building heights that utilize the topography. The same type of character will be continued throughout the area. Emulating nooks and crannies and smaller back ways to walk is a concept to be considered. Liberty Street might be an area for an arts center. This could be built in phases. Commissioner Wright asked about the elevation change on Liberty Street. It was mentioned that this was the site of an old dump and that most of the elevation is the result of fill.

Jan Zachariasse of Waterford Development, asked about the architecture, would it be stick built or concrete? Will there be vast variations in the architectural design? Mr. Mingonet showed some renderings that depicted how different areas of the district would absorb the character.

Sandi Stroud of Waterford Development, asked about the evolution of the roadway network. Mr. Mingonet explained how some of the streets will be realigned and others designed to produce some connectivity, but also create areas where pedestrian access will be emphasized.

Commissioner Kalriess said he would like to see density and land use combined (like an overlay) so that he could also determine the height and relationship. Mr. Muldrow said that this could be done. Mr. Kalriess said he is having some difficulty in seeing what heights were being used where and the relationship to the surrounding area. He would like to see them come back to the Planning Commission with the draft in this format. Commissioner Hoovler agreed.

At this time Mr. Muldrow went through the one to three year horizon, three to seven year horizon and the seven plus year horizon for the development. In the one to three year phase, they would redevelop the trailer park and that area along Market Street, then move on along Catoctin Circle and do the inner most portion in the last phase. Mr. Zacharaisse asked what this timeframe was based on, approvals, etc? Mr. Muldrow said it was based on conversations with property owners and none of these phases are tied into the particular timeframe.

The question arose on how much this would cost the residents. There are many different options that could minimize the cost of this to the residents. Mr. Muldrow then went through some financing scenarios, all of which exclude an increase in taxes. Public/private partnerships, proffer and tax increment financing were mentioned. This establishes a base value of the district (including blight) based on assessed values in year one. Then the value of the district after development is assessed and is the debt service based on funds for public improvement (year 3). After the third year debt service is based on bonds. All overage goes to the general fund. This provides the capability of advancing the bonds and paying early. This method doesn't raise taxes and the County remains unaffected. There was further discussion on how the performing arts center could be funded, e.g. jointly with the County, perhaps a swap out for county facilities, etc.

The next steps are implementation recommendations, final plan drawings and a report to accompany these.

Commissioner Kalriess asked what role Economic Development is playing. Mr. Muldrow said they are generating a financial report for them, including sales tax information. Mr. Kalriess then asked if they were looking at the tax implications the area would have such as school age children impact, etc. Also, what is the expense side of this? Mr. Muldrow said they will begin with revenue and then back out all of the expenses. How about transportation improvements? Mr. Mingonet explained that they will be researching all of the financial variables and provide those in the next report. Mr. Muldrow said they needed to be certain that the funds are public improvement funds on publicly owned land. There was also some discussion on TIF for the arts center.

Vice Chairman Wright asked what kind of information they had regarding the impact on affordable housing in the area (specifically the trailer park and smaller houses). Where might these people go? Mr. Muldrow said there is one real property owner and 80 to 88 units of personal property at the trailer park. Currently this is scheduled to be a high end development. It would require significant market correcting to get some low end (workforce) type housing in this district. Do they look at incentives to be able to do this? This is a very complex issue here, and a definitive conclusion will be difficult. Technically there is no public obligation for this. Mr. Wright said there were also houses with depressed values that will be marketed out. Mr. Barnes said he doesn't feel that there is enough land to build affordable housing. Mr. Muldrow agreed stating that if this development holds true to what has happened in other areas, then it will be a prime

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location. Mr. Wright asked if the financing piece will be run through the town's finance department? He also asked that the intensity and density numbers be included.

Mr. Hoovler asked Ms. Jones what the EDC is considering for the area. Ms. Jones said they have been working closely with the consultants and researching various options.

Mr. Muldrow mentioned that they are talking with other jurisdictions that have used alternate ways of financing to see how this worked for them. Commissioner Hoovler asked about partnering with the County and how that could work. Ms. Jones commented there really is no one way that this will work and much work needs to be done to research the alternatives. Mr. Hoovler asked if the financing proposals will be part of the final Master plan. Mr. Muldrow said there will be various financing options in the final plan. Mr. Kalriess asked them to start with a test case, follow it through to see if it works for both the developer and the town. Doesn't necessarily have to be a TIF case – just follow a case all the way from zoning to the final product. Karen Jones mentioned that they could use the Loudoun Street feasibility study as part of the case.

Vice Chairman Wright, in summary asked what the timeframe was for the final Master Plan. Mr. Muldrow said he would like to see it finalized by October, but feels that the process might take a little longer. Mr. Wright asked if they needed anything more from the Planning commission. Mr. Muldrow asked that they funnel any further thoughts into town staff. Commissioner Kalriess asked about a timetable for the density map and economic model. He would like to see this in about two or three weeks so that the Commission has time to review and discuss this in detail. Commissioner Hoovler mentioned that they need to work closely with the Economic Development Committee. Vice Chairman Wright asked if they had everything they needed at this time. Commissioner Hoovler requested further information on building heights, parking, traffic analysis, the type of commercial and how it will be incorporated. Mr. Muldrow said that basically since this is so long term, that it will have to be on a case by case basis. They can really only provide estimates. Commissioner Wright asked that they work hand in hand with the CIP schedule and town planned improvements.

COUNCIL AND REPRESENTATIVES REPORT

None

STAFF AND COMMITTEE REPORTS

None

OLD BUSINESS

Commissioner Kalriess met with the Council ad hoc committee regarding the UGA. The Council wants to assure that this subcommittee move forward and meet with the County Planning Commission. Presently there is only a 30-day window for staff referrals,

leaving little or no time for the Commission review. He wants to make sure that the Commission is made aware of any staff reports regarding the JLMA/UGA.

Commissioner Hoovler asked if he meant getting a report and putting discussion on the agenda? Commissioner Kalriess said they at least need to be informed about them. Mr. Hoovler said he wants copies of county staff reports as background information. David Fuller mentioned the timeframe that the County works in and told the Commissioners that the county staff reports are done after the town has commented, so this is past the 30-day window.

Commissioner Barnes asked what kind of reaction the Commission had received from the County. Mr. Kalriess said they have not met with the County yet, but in speaking with some of the County Commissioners and they are very receptive to meeting jointly. Vice Chairman Wright asked David Fuller what the timeframe is for referral review and some of the larger projects (e.g., Crosstrails). Mr. Fuller responded that on some of the larger, more complicated applications the timeframe exceeds 30-days.

Commissioner Kalriess said they would like to sit down prior to the adoption of the Town Plan. He feels that they should discuss reasons for some of the decisions, especially as they pertain to the JLMA/UGA. Vice Chairman Wright asked if the Council discussed the fact that the Commission has made their recommendation, however, the Council could change some of what was decided, so how would this be discussed. Mr. Kalriess said they would talk about concepts and not specifics, especially on maps that are not adopted. Mr. Hoovler asked if you take a draft plan and discuss it. Mr. Kalriess said no, they should discuss the thought process behind their recommendations. Mr. Hoovler asked how the Council wanted to hear back.

Vice Chairman Wright then asked the commission to discuss the role of the subcommittee, the members, goals and what would be on the first agenda. Mr. Hoovler asked how often the subcommittee might meet. Mr. Wright said that has not yet been determined. He will try to contact John Elgin to set up a time to meet and begin to determine a schedule. Currently the members of the subcommittee are Chuck Jones, Cliff Vaughan, Bridget Bangert and Ted Kalriess. Commissioner Kalriess suggested that Kevin Wright be a designee on the subcommittee and they should appoint one more person to fill the vacancy. Mr. Kalriess would like to see more subcommittees so that items can be reviewed more quickly and a report given back to the full Commission. Mr. Wright said that he does not like subcommittees as a whole, but this one makes good sense. They need to make sure that the subcommittee reports back promptly, but he does not want to see any subcommittees that could be deemed becoming advocates for developers. Commissioner Hoovler agreed.

Mr. Wright said they need to determine how frequently they should meet, the main topics of discussion, what to do, initial impressions on joint planning, how can we be involved in the review process, and basically get an established voice. The committee should stay keen to Council's thoughts. We should also make sure that decisions stay true to the new Town Plan. Mr. Kalriess said the likelihood to getting the input they want may not

happen since we don't have a legal basis for decisions on the land outside of town. We would act in more of an ambassador type role. Commissioner Hoovler feels that they can influence an open process. They should also engage at staff level as well to keep apprised. Commissioner Barnes noted that the whole scene will be set after they have their first meeting. Commissioner Hoovler asked how much time does staff need to prepare? Can we ask them for their staff reports and share them with town staff?

Vice Chairman Wright asked that ground rules be laid out for the interaction. Talk about the CPAMs in the UGA/JLMA area, the current process and how it can be improved, and plan themes. They should also ask the County Planning Commission what their issues are.

Commissioner Kalriess suggested that they read the information and write a summary report to the Planning commission. A timeline needs to be established so that they can get the overall picture of the process. Perhaps Randy Shoemaker should come in and speak to them about water capacities, etc in the area.

Commissioner Hoovler volunteered to be on the subcommittee.

Commissioner Kalriess moved to nominate Kevin Wright and Earl Hoovler to the Planning commission subcommittee.

Motion: Kalriess
Second: Barnes
Carried: 4-0

Commissioner Kalriess moved that the Planning Commission be copied on any correspondence, CPAMs, rezoning applications, referrals and staff reports made by County to the Town and visa versa relative to land use decisions in the UGA/JLMA and be kept current on the information.

Motion: Kalriess
Second: Hoovler
Carried: 4-0

Vice Chairman Wright asked to schedule the subcommittee meeting. There was discussion about circulating an email to the other members regarding availability for the meeting. Mr. Kalriess asked if this could be done prior to the next Planning commission meeting. Mr. Hoovler said he could meet in the morning if that would work for other members. It was decided that they would meet at 8:00am on August 4 in Town Hall for about an hour and a half.

OLD BUSINESS

Vice Chairman Wright mentioned process improvement. They should send in to staff any concerns of process so this can be put on a future agenda, but allow staff to prepare a report addressing issues related to this. They should also allow lead time for attorney review. Commissioner Hoovler liked the idea and suggested they review the process on a quarterly basis.

Commissioner Kalriess wants to speak with developers and ask them to come in and talk about their thoughts on the process. He feels, however, that the developers would not feel comfortable addressing the Commission and staff on process. Can he meet one on one with developers and ask about the challenges, or should there be a subcommittee to do this? Commissioner Wright said this should not be done in committee form since it would have to be noticed, so it should be done on a one and one basis. Commissioner Hoovler liked the idea and said there should be on-going dialogue with periodic reports back to the Commission.

Commissioner Hoovler feels that a simple approach to applications would be to provide the Planning Commission with a copy so they do not have to wait until staff prepares a report. This could allow some early feedback to staff on areas where there might be issues. Commissioner Kalriess asked to take it one step further and recommend that after 60 days of acceptance and staff report that it come before the Planning Commission as a work session. This would apply to certain applications dictated by size or density. Commissioner Hoovler said if they have the application in hand they can ask for a work session under new business and begin discussions earlier. Commissioner Wright said this really needed to go through the legal process to make sure that this doesn't influence staff on what they should write in their report. They need to know what the rules are. Commissioner Kalriess said that preview sessions were a waste, however, now it makes developers wait a long time to hear the Commission's final decision. Commissioner Wright suggested that the process discussion be put on the agenda for the first meeting in September.

NEW BUSINESS

Commissioner Kalriess suggested that they need to elect officers. There was some discussion on when the remaining vacant seat on the Commission would be filled. There are liaison vacancies for BAR and EAC, along with the chairmanship, vice chair and parliamentarian.

Commissioner Kalriess made the motion to appoint Kevin Wright chairman of the Planning Commission.

Commissioner Wright accepted the nomination and asked if there were any other nominations. There were none so the nominations were closed.

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Motion: Kalriess

Second: Barnes

Carried: 4-0

David Fuller reminded the Commission that at next Tuesday's Council meeting, there would be the public hearing on the Town Plan, and the KSI interchange.

Commissioner Wright mentioned the arts commission that is being formed to deal with a proposed mural downtown. His question, is this art or advertising? Would this be a concern of the Planning Commission for further discussion. He feels that once this starts, it could appear all over town and become subtle forms of advertising, e.g. a restaurant with a restaurant scene painted on its exterior. Commissioner Hoover said there would need to be some legal opinion. He feels that there might need to be some zoning changes and he would like to hear from the BAR on this.

Commissioner Wright requested that the liaison list and open positions on the Commission be put on the next agenda.

ADJOURNMENT

The motion was made to adjourn at 10:03pm.

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Kevin Wright, Vice Chairman